

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

v.

1. IVAN RODRIGUEZ and
2. NESTOR RODRIGUEZ,

04 CV 10063 RCL
Criminal No.

) VIOLATIONS:

-) 21 U.S.C. § 846
Conspiracy to Distribute
Heroin
-) 21 U.S.C. § 841(a)(1)
Distribution of Heroin
-) 18 U.S.C. § 2
Aiding and Abetting
-) 21 U.S.C. § 853
Criminal Forfeiture

INDICTMENT

COUNT ONE: (21 U.S.C. § 846 -- Conspiracy To Distribute
Heroin)

The Grand Jury charges that:

From a time unknown to the Grand Jury, but at least by in or
about June 2003 and continuing thereafter until in or about
December 2003 at Taunton and elsewhere in the District of
Massachusetts, and elsewhere,

1. IVAN RODRIGUEZ and
2. NESTOR RODRIGUEZ,

the defendants herein, did knowingly and intentionally conspire
and agree together, and with persons known and unknown to the
Grand Jury, to possess with intent to distribute and to
distribute quantities of heroin, a Schedule I controlled

substance, in violation of Title 21, United States Code, Section 841(a)(1).

All in violation of Title 21, United States Code, Section 846.

COUNT TWO: **(21 U.S.C. § 841(a)(1)--Distribution of Heroin)**

The Grand Jury further charges that:

On or about June 6, 2003, at Taunton, in the District of Massachusetts,

1. IVAN RODRIGUEZ,

the defendant herein, did knowingly and intentionally possess with intent to distribute and distribute a quantity of heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT THREE: **(21 U.S.C. § 841(a)(1)--Distribution of Heroin)**

The Grand Jury further charges that:

On or about July 1, 2003, at Taunton, in the District of Massachusetts,

2. NESTOR RODRIGUEZ,

the defendant herein, did knowingly and intentionally possess with intent to distribute and distribute a quantity of heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR: **(21 U.S.C. § 841(a)(1)--Distribution of Heroin;
18 U.S.C. §2--Aiding and Abetting)**

The Grand Jury further charges that:

On or about July 15, 2003, at Taunton, in the District of Massachusetts,

- 1. IVAN RODRIGUEZ and**
- 2. NESTOR RODRIGUEZ,**

the defendants herein, did knowingly and intentionally possess with intent to distribute and distribute a quantity of heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FIVE: **(21 U.S.C. § 841(a)(1)--Distribution of Heroin; 18 U.S.C. §2--Aiding and Abetting)**

The Grand Jury further charges that:

On or about July 30, 2003, at Taunton, in the District of Massachusetts,

1. IVAN RODRIGUEZ,

the defendant herein, did knowingly and intentionally possess with intent to distribute and distribute a quantity of heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT SIX: **(21 U.S.C. § 841(a)(1)--Distribution of Heroin)**

The Grand Jury further charges that:

On or about August 26, 2003, at Taunton, in the District of Massachusetts,

1. IVAN RODRIGUEZ,

the defendant herein, did knowingly and intentionally possess with intent to distribute and distribute a quantity of heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

COUNT SEVEN: **(21 U.S.C. § 841(a)(1)--Possession with Intent to Distribute Heroin)**

The Grand Jury further charges that:

On or about December 12, 2003, at Taunton, in the District of Massachusetts,

1. IVAN RODRIGUEZ and
2. NESTOR RODRIGUEZ,

the defendant herein, did knowingly and intentionally possess with intent to distribute a quantity of heroin, a Schedule I controlled substance.

All in violation of Title 21, United States Code, Section 841(a)(1).

FORFEITURE ALLEGATION
(21 U.S.C. § 853)

The Grand Jury further charges that:

1. As a result of the offenses alleged in Counts 1 through 7 of this Indictment,

1. IVAN RODRIGUEZ and
2. NESTOR RODRIGUEZ,

defendants herein, shall forfeit to the United States any and all property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as a result of such offenses; and/or any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, any such violations.

2. If any of the property described in paragraph 1, above, as a result of any act or omission of the defendants --

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the Court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be subdivided without difficulty;

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendants up to the value of the property

described in paragraph 1.

All in violation of Title 21, United States Code, Section 853.

A TRUE BILL,



FOREPERSON OF THE GRAND JURY

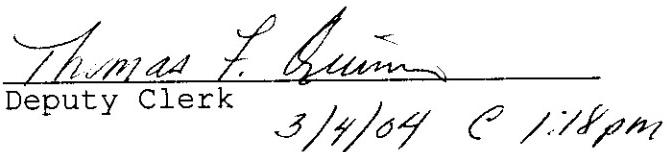


PETER K. LEVITT
Assistant U.S. Attorney

DISTRICT OF MASSACHUSETTS

March 4, 2004

Returned into the District Court by the Grand Jurors and filed.



Deputy Clerk
3/4/04 C 1:18pm